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To: ATR-Real Estate Workshop
Subject: some comments

I am a Realtor that agrees that IDX/VOW, and even the new ILD rules contain anti-competitive provisions.

1. If an owner, through a Realtor, decides not put the home on a competitor's site then it should NOT be allowed to be on Realtor.com, and the MLS should NOT be allowed to sell the listing for internet distribution through newspapers etc.

2. Competition in real estate is a 2 sided issue. As you will agree the major brands used their numbers to shut down NAR over the VOW regs. Here is something I wrote on my Blog at www.smarteragent.com
<<http://www.smarteragent.com/>> in regard to competitiveness.

"I wonder why no one ever mentions although the (real estate) industry has more than 3 major franchise players and lots of independently owned firms - so it is very fragmented in one sense --- that control at the top is actually consolidating. Did you know the Cendant brands (C21, ERA, Coldwell Banker, Sothebys) sell or represent buyers in 25% of all home transactions in the USA according to their own annual report! And they have an exclusive agreement with the PHH mortgage division they just spun off (but own 40+ %) off to pitch mortgages to all these Buyers. Corporate Cendant has a lot of franchise control over what goes on evidenced how they and ReMax totally came out and got the NAR bureaucracy to rollover with the last IDX/VOW policy. When you add Remax, GMAC and Prudential to Cendant, I would not be surprised if +/-70% of all transactions are done by a half dozen brands with that number going way higher over the next several years."

3. So there is anti-competitiveness that could arise from the ILD rules, and MLS policies. And yes, the States are holding back commerce and should be given some guidance.

4. 1 final thought. We are a small Realtor that has patents and creates technology. All these rules help the establishment clamp down on business models that can help consumers get more information and more disclosure on properties. DISCLOSURE is a key issue here, and the way it works now you can learn more about a \$25 dollar toaster than a \$2 million dollar home. There is no room for independent analysis because the data is too tightly controlled how you can access it, display it and manipulate it. I'm all for making sure it has to be a licensed Realtor, once you are a Realtor you should have full access. If the NAR is afraid that Realtors can't handle the data, maybe they should raise dues and education requirements so not everyone can be a Realtor.

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